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Paper No. 6

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**DEC 23 2003**

**OFFICE OF PETITIONS**

In re Application of  
Yang et al.  
Application No. 09/825,460  
Filed: April 3, 2001  
Attorney Docket No. 4875

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed December 15, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed July 10, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 11, 2001. A Notice of Abandonment was mailed on October 28, 2003.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,<sup>1</sup>
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition

<sup>1</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.<sup>2</sup>

The instant petition lacks item (1). As stated on the Notice mailed on July 10, 2001, an abstract of the technical disclosure is required under 37 CFR 1.72(b). After a review of the file and documents submitted with the instant petition on December 15, 2003, an abstract has still not been received. In order to revive the above-identified application, petitioner must submit an abstract.

Further correspondence with respect to this matter should be addressed as follows:

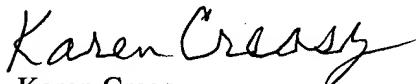
**By mail:** Mail Stop PETITION  
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Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.



Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>2</sup> See MPEP 711.03(c)(III)(C) and (D).